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GOVERNMENT OF KERALA
1969

Reg. No. K. 107

KERALA GAZETTE
EXTRAORDINARY
PUBLISHED BY AUTHORITY

Vol. XIV] Trivandrum, Friday, 7th March 1969 / 16th Phalguna 1890 [No. 60

GOVERNMENT OF KERALA

Revenue (A) Department

NOTIFICATION

G.O.(P) No. 108/69/RD. *Dated, Trivandrum, 1st March 1969.*

S.R.O. No. 103/69.—In exercise of the powers conferred by Section 7 of the Kerala Government Land Assignment Act, 1960 (30 of 1960), the Government of Kerala hereby make the following amendment to the Kerala Land Assignment Rules, 1964, namely:—

Amendment

In the said Rules,—in clause (i) of the Explanation to rule 5, for sub-clause (h), the following sub-clause shall be substituted, namely:—

"(h) Perinad, Chethakkal, Konni, Vadasserikara, Malayalapuzha, Konnithazham and Iravon villages in Pathanamthitta Taluk; Chithara and Ittiva Villages in Kottarakara Taluk; Piravanthoor, Edamon, Ariancavu, Kulathupuzha,

Yeroor and Alayamon villages in Pathanapuram Taluk and Koodal, Kodumon and Enadimangalam villages in Kunnathur Taluk in the District of Quilon".

By order of the Governor,
A. K. K. NAMBIAR,
Revenue Secretary.

Explanatory note.—(This is not a part of amendment or Rule but is intended to indicate the general purport). The amendment is intended to specify the area treated as hilly tracts in the matter of assignment of land.

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GOVERNMENT OF KERALA

Industries (D) Department

NOTIFICATION

No. 5918|D4|69|ID. *Dated, Trivandrum, 7th March 1969.*

In exercise of the powers conferred by sub-section 2 of Section 4 of the Kerala Khadi and Village Industries Board Act (Act 9 of 1957), the Government of Kerala hereby appoint Shri K. V. Moosakutty, Kanul P.O., via, Kalliassery, Cannanore District as a member of the Kerala Khadi and Village Industries Board.

By order of the Governor,

K. B. WARRIER,

Secretary to Government.

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KERALA GAZETTE

EXTRAORDINARY

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Vol. XIV] Trivandrum, Friday, 7th March 1969 / 16th Phalguna 1890 [No. 62

Legislature Secretariat

NOTIFICATION

No. 1244|LA4|69.

Dated, Trivandrum, 7th March 1969.

The following Bill together with the Statement of Objects and Reasons, the Financial Memorandum and the Memorandum regarding Delegated Legislation is published, under Rule 67 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

V. P. N. NAMBUDIRI,
Secretary,
Legislative Assembly.

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THE FAMILY AND POLITICAL PENSIONS PAYMENT (ABOLITION) BILL, 1969

A

BILL

to provide for the extinguishment of the right to receive, and the liability to pay, Family and Political Pensions.

Preamble.—WHEREAS it is expedient to provide for the extinguishment of the right to receive, and the liability to pay, Family and Political Pensions;

BE it enacted in the Twentieth year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Family and Political Pensions Payment (Abolition) Act, 1969.

(2) It extends to the whole of the Travancore-Cochin area in the State of Kerala.

(3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "appointed day" means the day on which this Act comes into force;

(b) "Compensation Officer" means the officer appointed under section 4;

(c) "Compensation Register" means the register prepared by Compensation Officer, under section 9 and finalised in accordance with the provisions of section 10;

(d) "Family and Political Pension" means the pension granted by the former Rulers of Travancore and Cochin States including pensions granted on account of charitable or personal considerations, but shall not include service pensions;

(e) "pensioner" means a person entitled to receive family and political pension immediately before the appointed day;

(f) "P.P.O." means the Pension Payment Order issued by the Accountant General, for the payment of family and political pension;

(g) "prescribed" means prescribed by rules made under this Act.

CHAPTER II

ABOLITION OF FAMILY AND POLITICAL PENSIONS AND PAYMENT OF COMPENSATION

3. *Family and Political pensions to be abolished.*—(1) On and after the appointed day, notwithstanding anything contained in any law for the time being in force, or in any judgment, decree or order of any court, or in any contract or other document for the time being in force, the pensioner shall not have the right to receive payment of family and political pension and the Government shall have no liability to pay any family and political pension to the pensioner and right to receive payment of, and the liability to pay, family and political pensions shall be extinguished.

(2) Every pensioner whose right to receive the family and political pension has been extinguished under sub-section (1) shall be entitled to receive and be paid compensation by the Government as hereinafter provided.

4. *Compensation officers.*—The Government may, by notification in the Gazette, appoint Compensation Officers to carry out the functions and duties assigned to them by or under this Act.

5. *Amount of compensation to be paid.*—The Government shall pay to every pensioner whose right to receive payment of family and political pension has been extinguished, compensation at the rate of 16 2/3 times the annual family and political pension payable. In the case of family and political pension payable in paddy, the annual family and political pension payable shall be fixed with reference to the commutation rate of paddy in force on the appointed day. The amount of compensation so determined shall be deemed to have accrued from the appointed day and interest thereon shall be payable at the rate of 4½ per cent per annum from the appointed day till the date of payment of compensation, if compensation is paid in cash.

6. *Compensation to be paid in cash or in National Savings Certificates.*—Fifty per cent of the compensation payable under section 5 shall be paid in cash and the remaining portion in the form of National Savings Certificates carrying 4½% interest per annum and redeemable at the expiry of ten years from the date of issue of certificates:

Provided that pensioners who are eligible for compensation not exceeding Rs. 500 shall be paid the entire compensation in cash.

7. *Proceedings relating to payment of compensation to be before Compensation Officer.*—All proceedings relating to payment of compensation to pensioners entitled to compensation under section 5, shall be before the Compensation Officer.

8. *The treasury half of the P.P.O. to describe correctly the right and interest of pensioners.*—The treasury half of the P.P.O. which is valid and effective immediately before the appointed day shall for purposes of assessment and payment of compensation under this Act be deemed to describe correctly the right of every pensioner (individual or family) in respect of the family and political pension entitled thereto:

Provided that any alterations, modifications, or corrections made by the Government in respect of the right shall be taken into account by the Compensation Officer.

9. *Compensation Register to be prepared by the Compensation Officer.*—With a view to facilitating the payment of compensation to the pensioners under this Act, the Compensation Officer shall prepare a Compensation Register showing—

(a) the family and political pension admissible to the pensioner (individual/family);

(b) names of pensioners entitled to receive full amount/share of family and political pension;

(c) the amount of compensation payable under this Act; and

(d) such other particulars relating to the family and political pension as may be prescribed.

10. *Publication of Compensation Register.*—(1) After the Compensation Register is prepared under section 9, the Compensation Officer shall—

(a) publish a notice in the Gazette and in such other manner as may be prescribed to the effect that Compensation Register has been prepared and it is open to inspection by the persons interested; and

(b) serve or cause to be served on the pensioner concerned a notice along with a copy of the Compensation Register.

(2) The notice under sub-section (1) shall call upon all persons interested including members of the family of the pensioner claiming any portion of such compensation to appear and file objections and claims within such period as may be prescribed.

(3) If any objection or claim is filed within the time prescribed, it shall be registered by the Compensation Officer who shall

fix a date for hearing the same and shall give information thereof to the pensioner concerned and to any person interested who may have appeared in pursuance of the notice under sub-section (1).

(4) On the date so fixed, or on any date to which the proceedings are adjourned, the Compensation Officer shall enquire into and decide the claims and objections.

(5) After having decided the claims and objections the Compensation Officer shall pass an order finalising the Compensation Register.

11. *Order of Compensation Officer to be deemed to be decree of Civil Court.*—(1) The order of the Compensation Officer passed under section 10 with regard to the payment of compensation or the apportioning of the compensation among the persons entitled thereto, shall be deemed to be a decree of a Civil Court and shall contain a concise statement of the case, the points for determination, and the decision thereon and the reasons for such decision.

(2) Notwithstanding anything contained in any law, any person aggrieved by the order of the Compensation Officer may appeal within thirty days to the Subordinate Judge's Court having jurisdiction over the area and the order of the Subordinate Judge's Court on such appeal shall be final:

Provided that the District Court for purposes of satisfying itself that an order made in any appeal decided by the Subordinate Judge's Court was according to law, may call for the records of the case and pass such order with respect thereto as it thinks fit.

12. *Corrections to the final Compensation Register.*—Except as provided by or under this Act no correction shall be made in the Compensation Register after it has become final, provided that the Compensation Officer may at any time before the payment of compensation, either of his own motion or on any application filed by a person interested, correct any clerical or arithmetical mistake.

13. *Payment of compensation.*—(1) The compensation payable under this Act shall be paid to the persons whose names have been entered in the Compensation Register as being entitled thereto.

(2) Where a person entitled to the compensation dies before it is paid to him, it shall be paid to his legal heirs.

(3) Where before any court or authority any suit or proceeding is pending which directly or indirectly affects or is likely to affect the right of the pensioner to receive the whole or part of the compensation payable under this Act, the Court or authority may require the Compensation Officer to place at its disposal the

amount so payable and thereupon the same shall be disposed of in accordance with the orders of such court or authority.

14. *Payment of compensation to be full discharge of the liability to pay Family and Political Pension.*—(1) The payment of compensation to the families or individuals entitled thereto in the manner provided by or under this Act shall be a full discharge of the liability for payment of the family and political pension and no further claims for family and political pension or for payment of compensation shall lie.

(2) Notwithstanding anything to the contrary contained in this Act, any arrear of family and political pension due to the pensioner immediately before the commencement of this Act and remaining unpaid after such commencement shall be paid along with the compensation.

CHAPTER III

MISCELLANEOUS

15. *Payment of compensation.*—All payments due under section 5 shall be paid from the Government Treasury from which the pensioner is drawing the family and political pension.

16. *Compensation Officer a public servant.*—(1) The Compensation Officer appointed under section 4 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

(2) The Compensation Officer shall have all the powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908 in respect of the following matters:—

(a) summoning and enforcing attendance of any person or examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving the evidence on affidavit; and

(d) requisitioning any public record or a copy thereof from any Court or Office.

17. *No action to lie against Government or any officer.*—(1) No suit or other legal proceedings shall lie against the Government for any act done or purporting to be done under this Act.

(2) No suit, prosecution or other legal proceedings shall be instituted against any officer or person duly authorised under this Act in respect of anything in good faith done or intended to be done under this Act or the rules made thereunder.

18. *Power to make rules.*—(1) The Government may, by notification in the Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

(2) Every rule made under this Act, shall be laid as soon as may be after it is made before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees that the rule should be either modified or annulled, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The proposed legislation is for the extinguishment of the right to receive and the liability to pay certain kinds of family and political pensions on payment of compensation. These political and family pensions can be broadly classified into the following three categories:—

(i) Pensions granted to families who once held territories, which were subsequently taken over and annexed to the State and with whom Government had entered into agreements for maintaining their families by the grant of a suitable pension;

(ii) Pensions granted to families who once held territories which were conquered and annexed to the State, but with whom no agreement was entered into by Government; and

(iii) Pensions granted to families purely on account of charitable or personal consideration including ex-gratia payments. The malikhana (Political pension) now in existence in the Malabar region of the Kerala State does not however, come within the scope of the proposed legislation.

2. The compensation proposed to be paid is at the rate of 16 2/3 times the annual family and political pension payable by the Government to the individual or family as the case may be. Fifty per cent of the compensation payable is proposed to be paid in cash and the balance in the form of National Savings Certificates carrying 4½% interest per annum and redeemable on the expiry of ten years from the date of issue of certificates, subject, however, to the condition that the pensioners who are eligible for compensation not exceeding Rs. 500 will be paid the entire amount of compensation in cash. Apart from the fact that the measure will do away with the old institution of family and political pensions, it is expected that by the proposed legislation, much time and labour utilised at all levels on account of the work connected with a large number of political and family pension cases involving small amounts can be saved.

3. The Bill is intended to achieve the above objects.

FINANCIAL MEMORANDUM

The annual recurring expenditure by way of payment of family and political pension is estimated to be Rs. 3.72 lakhs. The capitalised value of pension on the basis of compensation at the rate of 16 2|3 times the annual family and political pension works out to Rs. 62 lakhs. The establishment charges for the functioning of the Compensation Officer and his staff for one year will be roughly Rs. 25,000. The savings on account of the reduction of work in the Government offices is estimated roughly as amounting to Rs. 50,000 per annum.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 18 of the Bill empowers the Government to make rules for the purpose of giving effect to the provisions of the Act. The matters in respect of which rules may be made, relate to the particulars to be specified in the Compensation Register, the manner of publication of the Compensation Register and the time within which claims and objections have to be filed. These matters relate to procedure and administrative details. The delegation of legislative power is thus of a normal character.

E. M. S. NAMBOODIRIPAD.

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EXTRAORDINARY

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ORDER

G.O. Rt. No. 161/69/W&P. *Dated Trivandrum, 7th March* 1969.

Shri R. P. Nair, Chairman, Kerala State Electricity Board is granted Earned Leave for 61 (Sixty one) days from 10th March, 1969.

2. Government are pleased to appoint Shri V. Ramachandran, Secretary to Government, Planning Department as officiating Chairman, K.S.E. Board with effect from 10-3-1969 till the end of April 1969 vice Shri R. P. Nair granted leave.

3. Shri V. Ramachandran will relinquish the office of the Secretary to Government, Planning Department before taking up appointment as officiating Chairman, Kerala State Electricity Board. He will however continue to work as Member-Secretary of the Commission appointed in G.O.(P) No. 356/68/Fin dated 9th July 1968 for enquiry into scales of pay and related matters of public servants.

4. The post of chairman, Kerala State Electricity Board is equated to that of Secretary to Government with effect from 10-3-1969.

By order of the Governor,
R. GOPALASWAMY,
Secretary to Government.

P.T.O.

GOVERNMENT OF KERALA

Water & Power (Electricity) Department

NOTIFICATION

No. 3158/El. 2/69/W&P. *Dated, Trivandrum, 7th March* 1969.

S.R.O. No. 108/69. In exercise of the powers conferred by section 11 of the Electricity (Supply) Act, 1948 (Central Act 54 of 1948) and in partial modification of Notification No. 17465/El. 2/68-PW dated 30th April 1968 published in Kerala Gazette Extraordinary dated 30-4-1968 under S.R.O. 161/68, the Government of Kerala hereby appoint Shri V. Ramachandran, I.A.S. (now Secretary to Government, Planning Department) as officiating Chairman of the Kerala State Electricity Board with effect from 10th March 1969 till the end of April, 1969.

By order of the Governor,
R. Gopalaswamy,
Secretary to Government.

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